

# Notice of Allowability

Application No.

09/668,721

Examiner

Daniel S. Felten

Applicant(s)

KAUFMAN, VICTOR

Art Unit

3624

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/19/2005.
2. ☒ The allowed claim(s) is/are 17-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 05/18/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Ex. Daniel Felten  
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Business Methods

## **DETAILED ACTION**

### ***Status of Claims***

1. Receipt of the Supplemental Amendment filed August 19, 2005 is acknowledged. Claims 17-20 remain pending and are presented to be examined upon their merits.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on May 18, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Allowable Subject Matter***

3. Claims 17-20 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:  

It is known within the prior art of financing film productions for producers to enter into presale contracts with motion picture distributors or exhibitors before a film is produced. It is also known for producers to use other collateral such as letters of credit, notes or other instruments of value (e.g., a producer will sell limited partnership interests in a film to a group of investors, rather than entering into a presale contract in order to finance a production). The closest prior art of record, Keiser, teaches a method for a computer implemented financial management system that permits the trading of securities via a network. In one embodiment, the invention discloses a computer implemented "Hollywood Stock Exchange" which can be implemented as a stock exchange simulation or as an actual trading system for films (see col. 2, lines 18-31). Keiser does

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Keiser does not teach a method implemented by a programmed computer system for entertainment production financing, as in claim 17, by arranging a first contractual relationship between a first entertainment company and a financing entity, wherein at least a first entertainment production is associated with the first entertainment company and wherein the entertainment company provides a contractual interest to the financing entity in the first entertainment production; identifying a first fixed cash payment and a first contingent amount; calculating the first fixed cash payment; calculating on a computer the first contingent amount; settling the first fixed cash payment from the financing entity to the first entertainment company; settling the first contingent amount from the first entertainment company to the financing entity; arranging a second contractual relationship between a second entertainment company and the financing entity, **wherein at least a second entertainment production is associated with the second entertainment company and wherein the entertainment company provides a contractual interest to the financing entity in the second entertainment production;** identifying a second fixed cash payment and a second contingent amount, calculating the second fixed cash payment; calculating on a computer the second contingent amount; settling the second fixed cash payment from the financing entity to the second entertainment company; settling the second contingent amount from the second entertainment company to the financing entity; **establishing an operating entity that is associated with the financing entity to securitize the contractual interest of the financing entity; issuing a first registered fixed-price interest by the operating entity, wherein the first registered fixed-price interest is associated with the contractual interest in the first entertainment production; issuing a second registered fixed-price interest by the operating entity, wherein the second registered fixed-price interest is**

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**associated with the contractual interest in the second entertainment production;** transmitting from at least a first computer for a display of an offer to purchase a first registered fixed-price interest to a holder; receiving on at least the first computer the display of the offer to purchase the first registered fixed-price interest; selecting on at least the first computer the offer to purchase the first registered fixed-price interest; indicating on at least the first computer an acceptance of the offer to purchase the first registered fixed-price interest; transmitting from at least a second computer for a display of an offer to purchase a second registered fixed-price interest to a holder; receiving on at least the second computer the display of the offer to purchase the second registered fixed-price interest; selecting on at least the second computer the offer to purchase the second registered fixed-price interest; indicating on at least the second computer an acceptance of the offer to purchase the second registered fixed-price interest.

Keiser does not teach, as in claim 18: computer system for entertainment production financing comprising: **arranging a contractual relationship between at least two entertainment companies and a financing entity, wherein at least two entertainment productions are associated with each entertainment company; wherein each entertainment company provides a contractual interest to the financing entity in the at least two entertainment productions that are associated with each entertainment company; wherein the contractual interest is based at least in part on a performance of the corresponding entertainment productions; and wherein the financing entity securitizes at least a portion of the contractual interest.**

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There is no teaching in the prior art that shows entertainment financing contractual arrangements issuing a first and/or second interest by the operating party wherein the first and/or second fixed price interest is associated with the contractual interest in the second entertainment production. There is also no motivation provided in the prior art to combine entertainment financing contractual arrangements with issuing a first and/or second interest by the operating party wherein the first and/or second fixed price interest is associated with the contractual interest in the second entertainment production. Thus claims 17-20 are allowed.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Non-Patented Literature:**

Grosz, P. J., "Financing Film Productions: Collateral and Risk: Financing Motion Pictures is not as risky as it is often presumed to be" American Banker (August 3, 1984), page. 4

Collier, A., and Steuer, J., "October secures \$100 mil 4-year operating loan" Hollywood Reporter, (November 11, 1997), vol. 350, No. 2, pgs. 3+

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF

November 13, 2005

Daniel S Felten  
Examiner  
Art Unit 3624



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600